



1642
Docket No.: L0461.70115US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Huang et al.
Serial No.: 09/856,812
Confirmation No.: 3475
Int'l Filing Date: November 26, 1999
For: TUMOUR REJECTION ANTIGENS
Examiner: Davis, Minh Tam
Art Unit: 1642

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 1/12/06

June M. Watson
June M. Watson

TRANSMITTAL LETTER

Mail Stop AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Response to Office Communication and
2. Return Receipt Postcard.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 23/2825, under Docket No. L0461.70115US00. A duplicate copy of this paper is enclosed.

Dated: January 17, 2006

Respectfully submitted,

By *John R. Van Amsterdam*
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WGS Date: x01/28/06x



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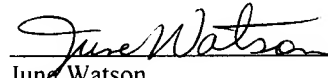
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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 12th day of January 2006.


June Watson

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE COMMUNICATION

Sir:

This is responsive to the Office Communication mailed on December 28, 2005.

Non-responsiveness of Previous Reply

In the Communication, the Examiner indicated that the response filed on November 31, 2005 [*sic*, Applicant mailed response on October 27, 2005 and OIPE stamped the return postcard on October 31, 2005] was non-responsive for not identifying the claims readable on the elected species, SEQ ID NO:42 (top of page 3 of the Communication).

Applicant respectfully traverses the holding of non-responsiveness. In response to the Restriction Requirement of September 27, 2005, Applicant elected a group of claims (Group I) and a species (SEQ ID NO:42), as required. Applicant indicated also that the newly added

claims (claims 42-54) "all correspond to the elected invention", thereby indicating that the new claims belong in the same elected invention as Group I claims.

The Restriction Requirement did not require Applicant to indicate which claims were readable on the elected species. No such requirement was made on any page of the Restriction Requirement as far as Applicant can determine. Therefore, the Office Communication of December 28, 2005 is the first indication of this requirement, and accordingly Applicant should not be penalized (1) by any requirement for a fee for filing this response within a month (i.e., by January 28, 2006) or (2) by any reduction of patent term adjustment for non-responsiveness to an Office Communication.

Claims Readable on Elected Species

In satisfaction of the Examiner's requirement to list all claims readable on the elected species, SEQ ID NO:42, Applicant notes the following:

Claims 1, 2, 4, 5, 9, 11, 12, 17, 42-50 and 52-54 are readable on SEQ ID NO:42. Claims 10 and 51, specifically directed to decapeptide species, are not readable on SEQ ID NO:42.

Claims 1, 2, 4, 5, 9, 11, 12, 17, 42-50 and 52-54 are generic to a number of species, including SEQ ID NO:42.

Respectfully submitted,


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Docket No. L0461.70115US00
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